Report on Palestinian Elections for Local Councils: Round One

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Build Political and Civic Organizations: NDI helps build the stable, broad-based and well-organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions—the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

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The first round of elections for local councils in the West Bank and Gaza was held in two parts. The first part was held on December 23, 2004 in 26 districts in the West Bank.[1] The second part was held on January 27, 2005 in 10 districts in the Gaza Strip.[2] Local elections for all other districts are scheduled to take place in one of two subsequent rounds to be held later in the year. The elections were administered by the Higher Committee for Local Elections (HCLE),[3] a body established under the authority of the Ministry for Local Government, an institution of the Palestinian Authority (PA). These were the first local and municipal elections held in Palestinian areas in almost thirty years.

The National Democratic Institute (NDI) deployed 10 teams to observe the December 23 local elections in the West Bank, and six teams to observe the January 27 local elections in the Gaza Strip.[4] NDI's resident elections officer served as both an observer and manager for the process.

Summary of Observations

The elections produced legitimate results and voters were able to freely express their will. In general, in both the West Bank and Gaza elections, NDI attributed deviations from official procedures by polling officials to a lack of understanding of these procedures or, in some cases, a lack of procedures, rather than intentional wrongdoing or corruption. The atmosphere on election day was energetic, with fierce competition and campaigning between Fatah and Hamas in particular. Despite the intense rivalry, the elections were largely peaceful events and voters were able to freely express their will.

The use of a voter list other than the most current one caused confusion for voters. The HCLE used the voter list it received from the Central Election Committee (CEC) on November 20, 2004. This version included no changes made to the list after that date, which meant that it excluded the names of voters added during later periods of registration, as well as changes and corrections made during exhibition and challenge periods. This was especially problematic in Gaza where people who had voted in the presidential election could not find their records in the voter list used for the local elections.

Active campaigning outside, and sometimes inside, polling centers and stations, violated the election law. Posters, leaflets, mock ballots, flags, hats and banners were plentiful in areas where voting was taking place. In the West Bank, observers reported that candidate agents were allowed into polling centers wearing party paraphernalia. Campaigning on election day was just as active, and even better organized, in Gaza. Polling officials in Gaza actively prohibited the presence of clearly visible party paraphernalia inside polling stations.

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[1] See Appendix A for a list of districts where elections were held in the West Bank.

[2] See Appendix A for a list of districts where elections were held in the Gaza Strip.

[3] Under the terms of the current law on local elections, the HCLE will exist to oversee local elections for one year, after which it will dissolve and its responsibilities will be transferred to the Central Election Commission (CEC), a separate, independent body currently administering national elections and the national process of voter registration.

[4] NDI observers to the West Bank election included election and political development experts from the United States, Montenegro, Northern Ireland and France. NDI observers to the Gaza elections were experienced domestic observers trained by the Institute. Military activity in the area in general, and the January 15 attack on the Karni crossing specifically, forced NDI to modify its plans for observation in Gaza; participation of international observers was canceled due to security considerations.

The West Bank elections were a confusing start. Improvements were made for Gaza, but there were still inconsistencies in the application of polling procedures.
In the West Bank elections, polling centers were often overcrowded with voters waiting to cast their ballots*.*   Crowd control outside the centers was poor. In several crowded stations, polling officials allowed people to vote outside of designated polling booths, using windowsills, empty desks and other surfaces to mark ballots. The HCLE took measures to improve this situation in the Gaza elections, including: reducing the number of registered voters assigned to vote in each polling station, increasing the number of stations within each polling center, and increasing the number of mandatory voting screens per station from two to four. Overall, however, there were still variations from polling center to polling center in how polling procedures were applied, both in the West Bank and Gaza rounds.

There was intensive coaching and abuse of assistance to illiterate voters in the West Bank elections. Improvements were made in the Gaza round.
Coaching voters, in the form of assisting illiterate voters, was a problem in the West Bank elections. NDI observers witnessed several situations in which a single helper assisted many voters. Often the helpers were clearly party agents. For the Gaza elections, the HCLE instituted a rule limiting to two the number of voters one person could assist[5] and strictly forbidding party agents to engage in this activity.

There was a heavy security presence in both the West Bank and Gaza elections.
However, the police and other security forces present seemed to lack a clear understanding of their role in the process. In the West Bank, police officers were engaged in queue management at some stations. In Gaza, although they were present at virtually every center,[6] the police were not involved in managing polling centers, nor were they involved in queue control.

Observers reported that the counting procedures they witnessed were transparent and straight-forward.
With rare exception, domestic and international observers and party agents were provided with full access to the vote count once the polls were closed. The process was transparent and generally followed regulations and standards.

Under present conditions, the HCLE and election officials would find it difficult to legitimately and effectively handle strong challenges to the election process and results.
The HCLE has clearly made admirable efforts to improve its operations, technical processes and overall performance. However, there is still a need for greater institutionalization of the organization's procedures and their consistent application. Greater transparency is also required for the body's decision-making mechanisms.

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[5] Officials wrote down the name of every helper to insure he or she assisted only twice.
[6] Observers reported no police only at center number 5000.

Summary of Recommendations

1)   The most urgent improvement needed for future local elections is greater transparency and accountability in the work of the HCLE, particularly concerning its decision-making processes. All decisions should be formalized and those which affect the operations of elections should be issued as decrees and available publicly. Commission meetings should be open to the public and the minutes and decisions of such meetings should be made easily available for review.

2) The final voter list should be the one exclusively maintained and managed by the Central Election Commission (CEC), compiled through the voter registration process. This list should be regularly updated and used for all elections.

3)   In districts where local elections will be held, the CEC should reopen voter registration at local registration and polling centers for at least a week to allow unregistered voters to participate.

4)   NDI recommends that the HCLE further harmonize its practices with the CEC. Under current legislation, the HCLE will be dissolved at the end of the 2005 calendar year and the CEC will remain as the permanent election administration. To this end, it makes sense for the HCLE to coordinate its efforts with those of the CEC so that voters become familiar with a single process of registering and voting.

5)   It is recommended that the HCLE work with security officials to establish and enforce a uniform code of conduct for police officers and security personnel on election day, and that comprehensive training be held for all officers so that they are fully aware of their important duties and restrictions in this process.

INTRODUCTION

The National Democratic Institute (NDI) deployed 10 teams to observe the December 23 local elections in the West Bank, and six teams to observe the January 27 local elections in the Gaza Strip.[7] NDI observers to the West Bank election included election and political development experts from the United States, Montenegro, Northern Ireland and France. NDI observers to the Gaza elections were experienced domestic observers trained by the Institute.[8] NDI's resident elections officer served as both an observer and manager for the process.

Observer teams were deployed early on election day in order to witness the opening of the polling centers.[9] However, most teams were not able to stay through the end of the vote count, which finished in the very early hours of the next morning, because of travel restrictions and the limited operating hours of checkpoints. Observers visited 61 of the 93 polling centers in the West Bank, and all but three of the polling centers in the Gaza Strip[10], spending about one hour at each of the polling centers they visited.

Observers focused on polling procedures, adherence to legal requirements, the overall management of polling centers, as well as the environment within and outside each station. This report is based on their findings, as well as interviews with political leaders and electoral authorities conducted by NDI's Jerusalem-based staff.

These observation missions are part of NDI's comprehensive effort to monitor Palestinian electoral processes, which is funded by a grant from the United States Agency for International Development. As part of this program, NDI also observed the recent voter registration process and the January 2005 presidential election. The Institute plans to observe subsequent rounds of local elections as well as the upcoming parliamentary elections.

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[7] Teams observing the West Bank elections included two international observers, a translator and driver; teams observing the Gaza elections team included two local observers and a driver.
[8] Military activity in the area in general, and the January 15 attack on the Karni crossing specifically, forced NDI to modify its plans for observation in Gaza; participation of international observers was canceled due to security considerations.
[9] Not all of the teams made it to the opening because some were turned away at the Abu Holi checkpoint.
[10] 5018 (Deir Balah), 0905 (Masdar), 0944 (Bani Sheila)

1. Overview

The first round of elections for local councils in the West Bank and Gaza was held in two parts. The first part was held on December 23, 2004 in 26 districts in the West Bank. The second part was held on January 27, 2005 in 10 districts in the Gaza Strip. Local elections for all other districts are scheduled to take place in one of two subsequent rounds scheduled to take place later in the year.

These were the first local and municipal elections held in Palestinian areas in almost thirty years. The elections were administered by the Higher Committee for Local Elections (HCLE), a body established under the authority of the Ministry for Local Government, an institution of the Palestinian Authority (PA). Under the terms of the current law on local elections, the HCLE will exist to oversee local elections for one year, after which it will dissolve and its responsibilities will be transferred to the Central Election Commission (CEC), a separate, independent body currently administering national elections and the national process of voter registration.

In addition to being an important democratic and technical exercise, these elections were also a significant political event. The political landscape in the West Bank and Gaza has largely been dominated by the leading Fatah movement for decades. This has been particularly true since the establishment of governing institutions in the mid-1990's as part of the Oslo Agreement and the related peace process. A number of Palestinian factions, most notably the militant factions such as Hamas and Islamic Jihad, did not recognize these agreements or the institutions they established, and therefore did not contest elections for legislative office. This left the government of the Palestinian territories almost entirely in the control of Fatah.

In 2004, a number of militant factions, most significantly Hamas, announced the intention to contest the local elections, which created an entirely new dynamic and very real competition for Fatah for the first time in years. These same organizations have since indicated that they will also stand in legislative elections, currently scheduled for July 2005. The first round of local elections therefore became a test of each organization's electoral capabilities and strength among the voters. The contest between Hamas and Fatah was intense, particularly in Gaza.

In the West Bank elections, NDI found that procedures were implemented in a way that created chaos and confusion at many polling stations. Polling stations were overcrowded, at times compromising the confidentiality of ballots cast. In addition, the voter list only recorded the names of those who registered in the initial voter registration period; voters who registered following the reopening of voter registration did not appear on the list used on election day. However, there was no indication that the problems witnessed by observers were the result of intentional corruption of the process by polling officials, rather they appeared to be due to a lack of rules governing certain procedures or the inability of officials to enforce them.

The Gaza elections were better organized than those held in the West Bank five weeks earlier. Officials were better prepared and polling stations were more effectively managed and better arranged. There were, however, problems with the voter list, intense campaigning in polling centers and a few last-minute rule changes.

Under the present setup, the HCLE and election officials would find it difficult to legitimately and effectively handle strong challenges to the election process and results. There is a need for the institutionalization of procedures and their consistent application. However, in both the West Bank and Gaza, the elections produced legitimate results and voters were able to freely express their will.

Principal findings from the observation mission include:

- A confusing start in the West Bank, characterized by:
    - overcrowded polling stations,
    - poor crowd control,
    - inappropriate engagement of police in crowd control,
    - extensive coaching of voters and abuse of assistance to illiterate voters,
    - inappropriate campaigning inside polling stations,
    - use of an incomplete preliminary voter list, rather than a final voter list, and
    - variations in polling procedures at different stations.

- NDI noted the following improvements in the Gaza elections:
    - less voters per polling station,
    - more staff per polling station,
    - more voting screens to insure privacy,
    - improvement in practices governing third party assistance to illiterate voters,
    - mandatory female member of polling staff,
    - copy of the protocol posted in polling stations, and
    - improved staff training.

- NDI identified several areas in which improvements should be made for future rounds of local elections:
    - better management of the final voter list, including cooperation with the CEC,
    - institutionalization of election day rules and procedures,
    - decrease in number of reserve or excess ballots in each polling station,
    - better maintenance of polling records and protocols,
    - more effective restrictions on election day campaigning, and
    - better crowd control.

2. Legal Framework

The basis of the HCLE's work is the Law for Election of Local Councils from 1996[11] and its amendments, which were passed in December 2004.

However, decisions were often taken by the HCLE in a haphazard manner with questionable legal authority. For example, decisions on procedures not stipulated in the law were often made in closed meetings of the commission members. Decisions taken by the HCLE were not issued as decrees or legal documents, which offer a higher level of public scrutiny. Political organizations, candidates, observers and voters were left unaware of what changes to procedures were made until election day.

The HCLE's selection of the districts in which elections would be held was done in an arbitrary manner, with no clear explanations as to why these areas were selected and

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[11] Law no. 5 of 1996

complete lack of transparency in the decision-making.[12]   Additionally, the HCLE expanded the size of the councils in Abu Deis, Eastern Bani Zeid and Doha, without explanation, consultation or oversight.

Even decisions that made it into writing, in the poll worker's manual for example, were not always implemented or enforced. For example, on election day in Gaza, the HCLE deviated from what it had trained its workers to do and instructed in its manual. Poll workers were initially taught how to apply the indelible ink meant to prevent multiple voting, but two days before the elections, workers were informed that the ink would not be used.[13]

3. Voter List

Out of Date List

The local election law permits voters to cast a ballot in either their locality of residence or work. Two separate lists were used to verify the eligibility of voters: the voter list compiled by the CEC during a five-week voter registration process in autumn 2004, and the civil registry, a list of Palestinians with official government identification cards maintained by the PA.

For the first round of local elections, the HCLE used the voter list received from the CEC on November 20, 2004. This version included no changes made to the list after that date, which meant that it excluded the names of voters added during later periods of registration, as well as changes and corrections made during exhibition and challenge periods.

The use of a voter list other than the most current one caused confusion for voters who had registered later in the process and could not find their names on the voter list on election day. This was particularly problematic in Gaza where people who had voted in the presidential election three weeks before could not find their records in the voter list used for the local elections. Several such voters even brought receipts with them as proof of registration. Some of these voters went to the district election office to complain and a few were granted permission to vote after officials rechecked the list. Others went to special centers to see if their names could be found on the civil registry. The fact that special centers for the local elections were in different locations than they had been for the presidential election further added to voter confusion.

Some voters in the West Bank who could produce proof of registration were also unable find their names on the voter list.

It remains unclear why the HCLE used an outdated voter list in the West Bank elections but it is even more confusing why the same list was used in Gaza, particularly since the CEC had provided the Committee with the updated list used in the January 9 presidential election.[14]

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[12] See Appendix A for a list of districts where the first round of local elections was held.
[13] There was confusion about whether or not the CEC agreed to provide indelible ink to the HCLE.
[14] Just before the elections in Gaza, the HCLE reported an updated voter list would be used. After election day, the HCLE stated that the reason it did not use the updated voter list was because the list had not been submitted to an exhibition and challenge period.

Underage Voting

In Gaza, observers detected a problem with underage people on the voter list. Palestinians may register to vote at the age of 17, even though they're not permitted to vote until the age of 18. It seems that list used for the Gaza elections contained the names of 17 year-olds who had registered. Failing to realize they were underage, some polling officials permitted 17 year-olds on the list to vote prior to the HCLE releasing instructions to turn away people whose date of birth fell after January 27, 1987.[15] The HCLE confirmed this problem to NDI, and reported that a team of three commissioners had been formed to investigate this flaw in the management of the voter list.

4. Polling Officials

Polling stations in the West Bank and Gaza, many of which were schools, were largely staffed by teachers. They were trained in the official procedures for these elections by HCLE officials.

In the West Bank elections, many polling centers were chaotic and crowded. It was clear that these elections were more than just part of a democratic process, but also an important social event for local communities. Many families came to the polling stations, particularly men and boys, and stayed for the day. Some brought music and barbeques for cookouts.

This led to crowding in both the courtyards outside of and the entrances to the polling stations. Polling station staff was ill-prepared to manage the crowds outside their doors, which were sometimes pushing their way in.

This problem was largely non-existent during the Gaza elections. While large numbers of people gathered around polling centers there as well, additional queue controllers and polling center managers were able to effectively control the crowds.

Observers indicated that the performance of polling officials in the West Bank elections varied among centers. While in some centers they adhered strictly to procedures, as they understood them, in others they clearly relaxed procedures to accommodate the large number of voters. For example, in several stations in Ezariya and Abu-Deis, where the turnout was particularly high, voters were allowed to vote outside of designated polling booths, using windowsills, empty desks and other surfaces to mark ballots.

The inconsistent application of procedures was of particular concern in the case of illiterate voters. Observers witnessed a disproportionately large number of voters claiming to need assistance because of illiteracy. In some cases, the same individual assisted several voters in a row in filling out their ballots. In general, polling officials in the West Bank inconsistently implemented procedures for the assistance of illiterate voters, with some insisting on overseeing the process and others virtually ignoring it.

In Gaza, observers noted the high level of professionalism displayed by polling officials. In general, officials conducted polling procedures as instructed, in a professional and

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[15] For example in center 0904, 26 underage persons (out of a total of 50 underage persons registered in the station) voted in the morning until officials instructed workers to turn them away.

transparent manner.[16] Poll workers who had the experience of working in the January 9 presidential election, in particular, displayed a high level of competence and confidence in their work. There was also better control and supervision of assistance for illiterate voters, than observed during the West Bank elections.

However, in general in both the West Bank and Gaza, observers attributed deviations from official procedures to a lack of understanding of these procedures rather than intentional wrongdoing or corruption.

5.   Environment, Campaigning and Order

According to the election law, campaigning is forbidden beginning 24 hours before the opening of the polls.[17] This rule was widely ignored by virtually all political entities, and polling officials had no capacity to prevent it. Campaigning was active outside, and sometimes inside, polling centers and stations. Posters, leaflets, mock ballots, flags, hats and banners were plentiful in areas were voting was taking place. Music and political speeches blared from loud speakers just a few yards away from the entrance to some polling stations. Many people dressed in campaign colors.

In the West Bank, there were sizable groups of supporters around polling centers with party symbols, flags and posters. Observers reported that candidate agents were allowed into polling centers wearing party paraphernalia. In one polling station in Nablus, a man entered to deliver food to a poll workers while wearing a Hamas hat and scarf with a Hamas flag stuffed in his pocket.

Campaigning on election day was just as active, and even better organized, in Gaza. Supporters wore their faction's insignia and carried their flags. Huge banners hung on buildings with the list of candidates.[18] Leaflets and mock ballots were widely distributed by political organizations with the names, and often the photos, of their candidates, highlighting the place in which they could be found on the ballot.[19] Voters received these leaflets just outside of a center's premises, rarely inside the courtyards of the schools that served as polling centers. Unlike in the West Bank, polling officials in Gaza actively prohibited the presence of clearly visible party paraphernalia inside polling stations.

However, the real impact of the presence of party supporters was not from the campaigning outside the polling centers, but from the likely abuse of provisions allowing assistance to illiterate voters. Observers witnessed candidate and party supporters – and in some cases accredited agents – organizing voters outside of polling centers and essentially assigning a helper to assist them in voting, in essence to coach their votes. Older voters were particularly the target of this practice.

Crowds outside and within the yards of the polling centers were large.[20] Again, this was clearly a social event but also a fascinating political event: a fiercely fought contest between Hamas and Fatah. Supporters and activists present outside polling centers

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[16] Two cases were reported in which observers were denied access to the opening protocol.
[17] Article 31.
[18] See Appendix D for pictures of these.
[19] See Appendix C for examples of these.
[20] While in the West Bank schoolyards were crowded, in many places in Gaza officials and police limited the number of people permitted in the center.

were overwhelmingly from these two organizations. By evening, many said they were still there to "protect votes."

Even with the tension of the competitive environment and the presence of sizeable crowds organized by opposing political factions, no serious conflicts were reported by NDI observers. In Gaza, observers reported one case of shots being fired into the air by police.[21] There was some shouting and pushing in order to control the crowds.[22] Observers reported a single case of the closing of a station because of a fight.[23] In the West Bank elections, observers reported seeing two scuffles.

6. Police

There was a heavy security presence in both the West Bank and Gaza elections. One observer commented that a voter was likely to have to pass three to four security officers before reaching the ballot box. However, the police and other security forces present seemed to lack a clear understanding of their role in the process. Members of the security forces appeared not to have been effectively briefed or trained to assist in the elections.

In the West Bank, police officers were largely engaged in queue management. They were present both outside and inside the polling stations, the latter case being a violation of election regulations. Some officers were armed; others were not. A few individuals introduced themselves to observers as "security," but were in plainclothes and could not produce any official proof of being a member of the security services.

On two separate occasions in the West Bank, observers witnessed scuffles that appeared to be between members of the security forces. In one of these instances, an officer drew his weapon and pointed it at the other officer involved.

In Gaza, although they were present at virtually every center,[24] the police were not involved in managing polling centers, nor were they involved in queue control. All visible security officers were uniformed and armed with sticks and automatic rifles. Observers did not witness any instances of police officers entering polling stations in Gaza.

Voters did not seem to perceive the police as a threat. Rather, at times they seemed to lack authority with the crowds gathered outside the polling stations. For example, when a crowd started to gather before the closing of a polling station in Gaza, the station manager asked the police to restrict entrance to the courtyard, which they seemed reluctant to do.

7. Polling and Polling Materials

Overcrowded polling centers and long queues characterized the West Bank elections. Turnout was high in both the West Bank and Gaza elections. In both cases, voter

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[21] In center 889, an individual walked into the station with a gun and police officers fired warning shots in the air.
[22] For example, in polling station 943, women stormed into the station, complaining that it was too hot to wait outside. The police came and pushed the women out of the station. This inspired their husbands to react and protest this action by the police.
[23] In 0942, a "helper" was filling out a ballot on behalf of his mother, but not following her instructions. When the station chairman noticed this, the helper was thrown out of the station and a fight broke out.
[24] Observers reported no police only at center number 5000.

turnout was significantly higher at regular centers (ranging from 77 – 96% in Gaza and reaching 83% in the West Bank) than at special centers (about 30% in Gaza and 22% in the West Bank).

The complexity of the ballot meant that it took a long time for voters to mark their ballots. Additionally, the setup of the stations was often inadequate. The rooms were crowded and appeared to be organized more for the benefit of observers – who, at times, numbered up to 40 in a room – than voters.[25] Voter privacy was compromised as adults attempted to mark their ballots on a child's desk behind a cardboard screen, which was not secured and could easily move, in the corner of a busy classroom.

In contrast, poll workers kept their stations in much better order in Gaza. Centers were not overcrowded with voters waiting to cast their ballots. The HCLE reduced the number of registered voters per polling station and increased the number of stations within a polling center. The number of mandatory voting screens was increased from two to four. Less crowded stations meant greater privacy for voters. The fact that it took voters less time to mark their ballots in Gaza may be partially attributable to better organization of the polling stations. It may also be due to the widespread use of mock ballots as guides for voting.

Indelible ink, designed to prevent multiple voting, was not used in these elections, even though polling staff were trained in its use and instructed to do so in the poll worker's manual. NDI understands that there is some confusion regarding whether or not an agreement existed between the HCLE and the CEC in which the CEC would provide the HCLE with the same kind of ink used in the presidential election.[26]

In both the West Bank and Gaza, the stations were equipped with old wooden boxes as ballot boxes, rather than the newer, transparent boxes used in the presidential election.[27] Ballot boxes were required to be sealed with red wax. In the West Bank, the application of the red wax was arbitrary as every station appeared to have a different understanding of how it should be applied. Application of the wax in Gaza was standardized; it was applied to the padlock. However, applying the wax where the lid of the ballot box meets the base would have been more effective.

The voter list and instructions on polling procedures were posted in every station in Gaza, as required by elections regulations. This information was posted in some, but not all, polling stations observers visited in the West Bank.

As mentioned above, coaching voters, in the form of assisting illiterate voters, was a problem in the West Bank elections. Almost all observers witnessed situations in which a single helper assisted many voters. In many cases, the helpers were clearly party agents. However, at the time there was no legal basis to prevent this from occurring.

For the Gaza elections, the HCLE instituted a rule limiting to two the number of voters one person could assist[28] and strictly forbidding party agents to engage in this activity.

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[25] While it was encouraging to see such large participation from election observers, voters should be the first priority in organizing a polling station.

[26] After announcing that the ink would be used in Gaza and failing to do so, the HCLE reported that there were several reasons the ink was not used: the CEC couldn't guarantee delivery, the HCLE's "clean" voter list meant it was not necessary, voters were still carrying ink marks from presidential election, etc. The CEC disputes the claim that it agreed to supply the ink.

[27] Prior to election day, the HCLE reported that an agreement had been reached with the CEC to use the transparent plastic boxes that had been utilized in the presidential election.

[28] Officials wrote down the name of every helper to insure he or she assisted only twice.

However, this did not prevent forms of proxy voting, which also occurred in the West Bank. The most common form of proxy voting observers witnessed was relatives marking ballots for one another. For example, a husband and wife would go behind the voting screen together and the husband would mark the ballot for his wife.

Polling officials dealt with proxy voting differently from station to station in both the West Bank and Gaza elections. However, in Gaza, the restrictions on assisted voting clearly made it easier for officials to prevent serious abuse of this practice.

8. Counting

Observers reported that the counting procedures they witnessed were transparent and straight-forward. Both in the West Bank and Gaza Strip, the counting process was slow, often taking until 2:00 or 3:00 am. In most cases, domestic observers and party agents remained until the end of the count.

In Gaza, polling officials took a 20 minute break either before starting or in the middle of beginning counting. During this time, voting materials were secured in a locked room in most stations, but exposed ballots were still left unattended by both officials and observers.

In some of the stations, particularly in the West Bank, observers reported the presence of police in the station during the vote count.

9. Observation

Participation of candidates' agents and domestic observers was very high in both the West Bank and Gaza elections. Restrictions on the number of domestic observers and agents allowed in a single polling station were a source of confusion for observers and polling officials at one time were largely not enforced. All stations visited by NDI had agents from many factions and political organizations, and sometimes several were present on behalf of a single candidate, a violation of election regulations. Since there was no record of the faction or candidate agents were representing, and since credentials for domestic observers were often not visible, it was difficult to enforce regulations prohibiting the presence of more than one agent for the same candidate or bloc. Attempts to implement this rule provoked complaints from agents.

NDI observers witnessed agents working in shifts under a single accreditation. NDI observers also noted that some domestic observers who were registered as representatives of local NGOs appeared to be acting on behalf of a candidate or political organization.

Most domestic observers genuinely representing local NGOs were well-trained and prepared for the tasks of observation. NDI observers met representatives of domestic NGOs at virtually every polling station they visited in Gaza, less so in the West Bank. These observers appeared to have a clear understanding of the election rules and regulations, and acted promptly when they witnessed a problem.

NDI observers encountered observers from the following Palestinian NGOs: the Palestinian Center for Human Rights (PCHR), Election Monitoring Civil Commission, the Islamic Association, Meezan, Civic Forum and Maghazy Cultural Center.

Observers from NDI, domestic organizations and candidate agents did not report any serious restrictions by election officials on their observation activities. There were some isolated instances in which officials denied observers access to the opening protocols, saying only polling officials were allowed to see them or that this information could not be shared after the opening of the polling station.[29] In a few cases in the West Bank, polling officials refused to tell NDI observers how many voters were assigned to vote at their polling station.

No written complaints of procedural violations were filed by observers or agents at the stations visited by NDI.

10. Freedom of Movement

Restrictions on freedom of movement had an impact on observation, especially in the West Bank. As counting extended well beyond the operating hours of checkpoints, most NDI observers had to leave the stations before completion of the vote count to ensure that all members of the observation team made it home safely, particularly local drivers and translators.

This was also the case in Gaza, where teams working south of the Abu Holi checkpoint had to leave before the end of the count to insure they could return to Gaza City. Despite prior coordination with officials, one team was turned back at Abu Holi and prevented from entering the southern Gaza Strip at the beginning of the day with no explanation.

It was unclear to NDI observers how extensively restrictions on movement affected the ability of voters to cast ballots. Polling centers appeared to be centrally located in the areas in which voting was taking place, so that voters did not have to attempt to cross the earth mounds, gates and checkpoints that cut off the entrances to many towns and villages. However, checkpoints and closed roads undoubtedly affected the movements of domestic observers who were not always from the community in which they were observing. Unlike international observers, domestic observers received no special consideration or facilitation of their movements on election day.

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[29] Opening protocols contain important information about the number of eligible voters assigned to a single polling station and the number of ballots distributed to each station. At the end of the day, the specific number of people who have voted needs to match exactly with the number of ballots used. Opening protocols also record the number of "reserve", or extra, ballots given to each station. It's important that all of these ballots are accounted for at the end of the day.

RESULTS

The HCLE issued results for every candidate. When registering to run, candidates are not asked for their party or political affiliation, so officially each candidate stands as an independent.[30] Therefore, there is no official report on the number of seats won by a faction or political organization. This information is largely extracted from the subsequent statements of candidates and political organizations.

Based on these statements and interviews with candidates and party officials, NDI has compiled the following results:

West Bank
- Fatah Movement candidates won the majority of seats in 12 councils.
- Hamas candidates won the majority of seats in seven councils.
- In the remaining seven districts, no political organization won a clear majority and a governing coalition had to be negotiated among the winning candidates.
- Fifty-three women were elected in the West Bank, winning 17% of the seats contested.

Gaza
- The Change and Reform Bloc, supported by Hamas, won the overwhelming majority of seats in seven out of nine councils, winning 77 out of 118 seats.[31] The seven districts are: Dier Al-Balah, Beit Hanoun, Bani Suheila, Zawaydeh, Al-Shoka, Al-Nasr, and Khuzaa.
- Fatah Movement candidates won 26 seats, taking control of two councils: al-Maghazi and al-Zahra.
- Independents won a total of 14 seats and the Popular Front for the Liberation of Palestine (PFLP) won one seat.
- Twenty of the elected representatives are women.

The HCLE announced complete results, with breakdown to the polling station level. This is important information for political activists and civil society in future elections, to gauge turnout and support levels.

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[30] Despite registration without party affiliation, the sympathies of candidates are largely known and electoral coalitions and blocs form during the campaign, encouraging voters to support essentially a specific ticket of candidates.
[31] Hamas took 11 out of 13 seats in Beit Hanoun and Zawaydah, 13 out of 15 in Deir al-Balah, 7 out of 11 in Khuza'a, 12 out of 13 in Bani Suhaila and 9 out of 11 in each of Shoka and Naser

WOMEN'S PARTICIPATION

Candidates

A recent amendment to the election law[32] provided for two reserve seats for women on each council. The quota was organized in the following manner: wherever women are registered as candidates, no less than two seats will be allocated to the women candidates with largest number of votes. This means that in case women do not win at least two seats in the council in their own right, i.e., achieve a sufficient number of votes to take a seat, the two women candidates with the largest number of votes among all the women candidates will automatically take the last two seats on a council.

In the West Bank, 139 out of 887 candidates (16%) were women. In Gaza, 68 out of 414 candidates (16%) were women. Parties and factions complained initially that it was difficult to recruit women to stand for office, or difficult to convince their families of the idea.

In the West Bank, the number of women elected exceeded what was required by the quota. Additionally, according to NDI's analysis, 34 of the 53 women elected won outright without use of the quota at all; 19 took reserved seats. In Al Dawha (four women elected), Al Eibaydiyeh (three women elected) and Eastern Bani Zeid (two women elected), all women candidates who won did so without use of the reserve seats. In Eastern Bani Zeid, women topped the poll, coming in first and third among all the winning candidates.

However, two women did not stand for office in every district, so two councils did not meet this quota: Ya'bad (one woman elected) and Al Ojah (no women elected). In Ya'bad there was only one woman candidate, while in Al Ojah there were no women running in the elections as candidates.

In Gaza, twenty women were elected. Of these, 15 were elected outright and five were elected to reserve seats. In the Al Masdar district, a woman received the second highest number of votes.

Officials

Before the elections in Gaza, the HCLE introduced a rule mandating that each polling station have at least one female official. This had a positive effect on voters, as women voters felt much more comfortable unveiling before a woman official if they had to prove their identity.

Voters

According to HCLE statistics, voter participation was gender balanced in these elections. The lowest participation of women voters was in Al-Zahra, where 45% of the voters were women. Otherwise, women and men voters participated in largely equal numbers.

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[32] Article 29 of the amendments to the Local Councils Election Law.

Transparency and the Legal Framework

The most urgent improvement needed for future local elections is greater transparency and accountability in the work of the Higher Commission for Local Elections, particularly concerning the body's decision-making processes. Significant decisions are frequently taken in an arbitrary manner, with no public scrutiny and, at times, dubious legal authority. For example, the HCLE has yet to explain under which methodology it has taken the selection of districts in which elections will be held, or the guidelines and principles that direct its decisions to randomly increase the number of seats on a local council. The lack of anything resembling a schedule of upcoming elections creates confusion and raises tensions among all stakeholders. Political factions and civil society organizations are forced to rely on rumors and conjecture as to where the next round of elections will be held.

All decisions should be formalized and those which affect the operations of elections should be issued as decrees and available publicly. Commission meetings should be open to the public and the minutes and decisions of such meetings should be made easily available for review. This would facilitate better understanding of procedures and lay down clear rules for elections, setting an important precedent for future local elections.

Voter List

The existence of separate, different and out of date voter lists is not acceptable and creates legitimate mistrust in the electoral administration. It is insupportable that a voter can legitimately cast a ballot in one election, but be denied the same right in another election three weeks later because of a flaw or lack of coordination in the management of voter lists.

Additionally, the use of the civil registry, which was not compiled for the purposes of voting, has proven to be a faulty experiment. NDI recommends that the Palestinian Legislative Council adjust the legislation on all elections to remove the use of the civil registry as a source document for proving eligibility. The Final Voter list should be the one exclusively maintained and managed by the CEC, compiled through the voter registration process. This list should be regularly updated and used for all elections.

In districts where local elections will be held, the CEC should reopen voter registration at local registration and polling centers for at least a week to allow unregistered voters to participate. The Final Voter List, including the updates from the most recent period of registration, should be submitted by the CEC to the HCLE within a reasonable amount of time before an election.

Security

Issues of crowd management and active campaigning within polling centers could be successfully solved through cooperation with Palestinian security forces. It is recommended that the HCLE work with security officials to establish and enforce a uniform code of conduct for police officers and security personnel on election day, and that comprehensive training be held for all officers so that they are fully aware of their important duties and restrictions in this process.

Polling Procedures

As is the case with the Final Voter List, it is recommended that the HCLE further harmonize its practices with the CEC. Under current legislation, the HCLE will be dissolved at the end of the 2005 calendar year and the CEC will remain as the permanent election administration. To this end, it makes sense for the HCLE to coordinate its efforts with those of the CEC so that voters become familiar with a single process of registering and voting. For example, the HCLE should use the same polling centers for local elections that are used by the CEC for national elections. To date, the change of the locations has been confusing for voters.

APPENDIX A: OVERVIEW OF ELECTIONS: FIGURES

Elections for local councils in the **West Bank** were held in following districts:

Jerusalem	Hebron	Ramallah & Bireh
Beit Anan	Halhoul	Eastern Bani Zeid (EBZ)
Ezariya	Shyoukh	Western Bani Zeid
Abu-Deis	Zaheriya	Silwad
Jenin	**Nablus**	Deir Dibwan
Ya'bad	Beit Fourik	**Jericho**
Arrabah	Beita	Ojah
Tulkarm	**Qalqeelia**	Nweimeh
Bala'a	Azzoun	Jericho
Kafr Lab	**Salfit**	**Bethlehem**
Tubas	Bedya	Ebediya
Tubas	Kifl Hares	Douha
	Kufr Al-Deek	

Total number of registered voters (according to the HCLE): 143,921
Contested seats: 306
Candidates running: 887 (139 female, 748 male[33])
Largest district: Jericho City, 15,352 voters
Smallest district: Nuwaimeh, 1027 voters
Total number of regular polling centers: 93[34]
Total number of special polling centers: 48[35]

Elections for local councils in the **Gaza Strip** were held in following districts:

Deir Balah	Khan Younis
Zawaidah	Bani Sheila
Masdar	Khoza'ah
Maghazi	**Rafah**
Deir El-Balah	Shoukeh
Gaza	Nasr-Buke
Al-Zahra	**Northern Gaza**
	Beit Hanoun

Total number of registered voters (according to the HCLE): 83,700[36]
Contested seats: 118
Candidates running: 414 (68 female, 346 male[37])
Largest district: Deir El-Balah, 31,292 voters
Smallest district: Al-Zahra', 831 voters
Total number of regular polling centers: 48
Total number of special polling centers: 11

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[33] These figures vary in different HCLE reports.
[34] Regular polling centers were used by voters on the voter list compiled by the CEC during the five-week voter registration process in autumn 2004.
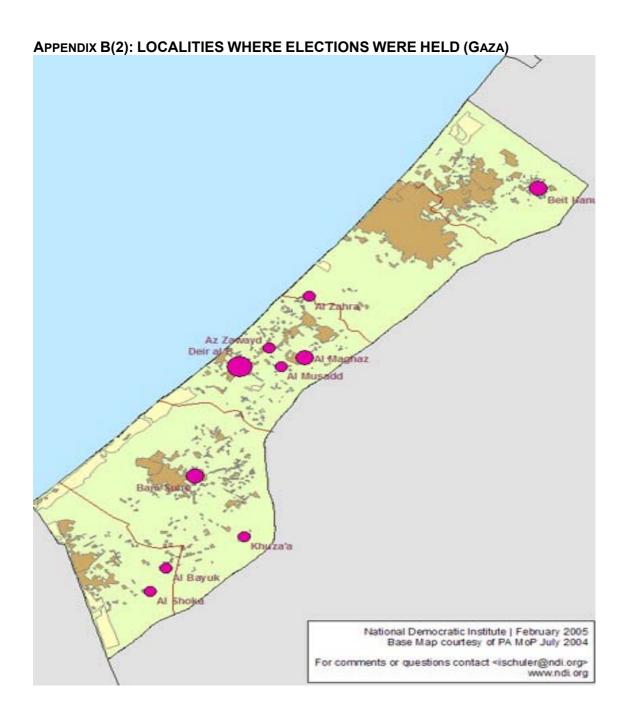[35] Special polling centers were used by voters on the civil registry.
[36] The number of registered voters given varies in different HCLE reports, from 83,700 to 90,600.
[37] This ratio varies in different HCLE reports.

APPENDIX B(1): LOCALITIES WHERE ELECTIONS WERE HELD (WEST BANK)

National Democratic Institute
March 2005

For question or comment
contact Ian Schuler
ischuler@ndi.org

Ya'bad
Arraba
Bal'a
Kafr al Labad
Tubas
'Azzun
Beit Furik
Beita
Biddya
Kifl Haris
Kafr ad Dik
Eastern Bani Zeid
Western Bani Zeid
Silwad
Al 'Auja
Deir Dibwan
An Nuwei'ma
Jericho
Beit 'Anan
Al 'Eizariya
Abu Dis
Al 'Ubeidiya
Ad Doha
Halhul
Ash Shuyukh
Adh Dhahiriya

APPENDIX B(2): LOCALITIES WHERE ELECTIONS WERE HELD (GAZA)

National Democratic Institute | February 2005
Base Map courtesy of PA MoP July 2004

For comments or questions contact <ischuler@ndi.org>
www.ndi.org

اسم المرشح	الرقم الانتخابي
سليمان علي أبو بطيحان	☒ (1)
إسماعيل إبراهيم أبو سويرح	☒ (2)
زهدي عبد الرحمن غرير	☒ (3)
أحمد رزق الواوي	☒ (5)
عبد الكريم سلامة أبو سويرح	☒ (7)
سعاد سليمان أبو مزيد "أم عمر"	☒ (9)
حسن أحمد مزيد	☒ (13)
ممد إبراهيم التعبان (أبو رامي)	☒ (17)
سالم عبد الكريم أبو زايد	☒ (18)
أنور جابر أبو زايد "سليمان جابر"	☒ (19)
أمين علي أبو دية	☒ (24)
زياد محمود نصار	☒ (30)
نعمة سليمان أبو تيلخ	☒ (34)

صوتك أمانة

انتخبوا
قائمة الشهيد الخالد ياسر عرفات

الاسم	الرقم الانتخابي
حنون أحمد محمد بركة	١٣
د . إحميد حمدان احميد الفليت	١٧
حماد محمد علي بشير "أبو طارق"	١٨
سامي محمد أبو سليم	٢٢
يحيى عدنان عبد الفتاح أبو العطا "أبو مصعب"	٢٣
عمر محمود عبد الخالق البحيصي	٢٥
إبراهيم حسن إبراهيم أبو جبر "مطاوع"	٢٨
محمد محمود حسن الرياطي	٣٠
جمال محمود عبد الله زقوت	٣٥
خالد سليمان أبو عمرة	٣٦
سامية حلمي عبد الله الناعوق	٤٤
د . كمال عواد محمد خطاب	٥٢
حربية سليمان ناصر اللوح "أم أحمد"	٥٧
محمود شعبان عيسى إسماعيل	٥٨
وليد محمد سرحان الحسنات	٦٢

حركة التحرير الوطني الفلسطيني فتح
منطقة دير البلح

القائمة الإسلامية
قائمة التغيير والإصلاح
بلدية بني سهيلا

إسم المرشح	رقمه في ورقة الإنتخاب
حمدان محمد حمدان أبو هجرس "زبر محد"	2
فايق برهم خليل البريم	3
عادل حسن علي أبو عاصي "زبر محد"	5
كمال سلامة أبو خاطر	9
أحمد سليم سالم أبو ريدة	16
محمد عبد الكريم محمد أبو جامع "زبر عبدالرحمن"	22
مازن اعبيد مسلم النجار "زبر سري"	23
عاطف محمد حسين أبو العلا	27
اخلاص اسماعيل محمد الرقب "ام محمد"	29
محمد سليمان محمود سهمود "زبر نوي"	31
عبد القادر محمد عبد الحميد الرقب "زبر محد"	41
فطوم شحدة حماد أبو خديجة "ام محد"	53
كمال توفيق سليمان القرا "زبر سليم"	55

First row (from left): Hamas, Fatah, Hamas
Second row: Fatah, PFLP

خالد حسن الكفارنه

للبناء والتغيير الديمقراطي

☒ 40 بسام خليل محمود المصري (د. بسام المصري)	☒ 21 مصطفى محمد محمد خليل (الزعانين)
☒ 41 نافذ محمد عبد الله سحويل	☒ 23 جميل أحمد خليل إسماعيل (الزعانين)
☒ 46 فلاح حير أحمد البسيوني	☒ 26 أنور عبد المجيد عبد الهادي حمد (د. أنور حمد)
☒ 52 يحيى أيوب عبد ربه قاسم (الكفارنه)	☒ 28 عاطف شحده علي عودة (سعدات)
☒ 55 منيه محمد سليمان حمادين(أم شريف)	☒ 32 عدنان محمود محمد المصري
☒ 67 أشرف عبد المجيد محمد أبو عمشه	

APPENDIX D: ELECTION DAY PHOTOGRAPHS

Casting a ballot

Campaigning: Hamas in green, Fatah in yellow caps. Campaigners hold leaflets with lists of candidates, a mock ballot for voters to use as a guide in the polling both.

Overcrowded schoolyards

Lists of candidates hang on a building

Celebration of Hamas, the day after the Gaza elections